

REMARKS

The Office rejects claims 1-26 in the subject application. Upon entry of the foregoing amendments, claims 1, 3, 11, 17-19, and 23-25 are amended, and claims 7, 15, and 26 are canceled without prejudice or waiver to filing one or more applications having claims with similar or identical subject matter. Claims 1-6, 8-14, and 16-25 (5 independent claims; 23 total claims) remain pending in the application. Support for the various amendments may be found in the originally filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested. Applicants thank the Examiner for the courtesy of the telephonic interview held on September 1, 2004.

Rejections Under 35 U.S.C. §101

Claims 1-9 and 17-26 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.¹ Applicants respectfully traverse the rejection. Independent claim 1 (from which claims 2, 5-6, and 8-9 depend), and independent claim 3 (from which claim 4 depends) have been amended to positively recite “wherein said receiving, establishing, determining, and charging steps are performed by at least one computer.” Independent claims 17 (from which claims 18-22 depend), and 23 (from which claims 24-25 depend) have been amended to positively recite “wherein said receiving, comparing, and charging steps are performed by at least one computer”, and “wherein said providing, conducting, and receiving steps are performed by at least one computer”, respectively. Thus, Applicants respectfully submit that claims 1-6, 8-9 and 17-25 are directed to patentable subject matter and Applicants request the withdrawal of the rejection under 35 U.S.C. §101.

Rejections Under 35 U.S.C. §102(e)

Claims 1-6, 10-13, 16-17 and 21-24 stand rejected under 35 U.S.C. §102(e) as being anticipated by Iyengar et al., U.S. Patent No. 6,360,205 ("Iyengar"). The Examiner contends that Iyengar discloses “receiving data comprising passenger name record data from an automated billing system...establishing a user profile having payment information; determining at least one fee (e.g., Fig. 18) using the data and based on the profile; and charging the fee to an account comprising the account in the user profile.” Applicants respectfully traverse the rejection.

¹ Rejections relative to claims 7, 15, and 26 are moot as these claims have been canceled.

Iyengar is limited to "a method for providing reservation information related to airline flights, lodging, transportation and the like using a communications network." See Abstract. More specifically, Iyengar is limited to a web server that is configured to receive input from a user who is looking for an airline flight, to search the internet for websites offering airline flights, to reconfigure the input to conform to the offering websites, to receive flight information from the offering websites, to reformat it into a common format for presenting to the user, and to facilitate the user's booking of a selected flight. See, Col. 10, ll. 45 - Col. 14, ll. 13. Although Iyengar mentions charging for the booked ticket (product), and charging for the travel agency service (fee), [see, Col. 13, ll. 30-60] Iyengar does not disclose anything about the billing itself, the billing statement, or ways to improve the billing statement.

As noted by the Examiner, Iyengar does not disclose "providing an enhanced descriptive billing statement with fee reconciling information," as now required by amended claim 1. For the above reasons, Applicants submit that each and every element of independent claim 1 is not disclosed, taught or suggested by Iyengar. Accordingly, claim 1 (and claims 2, and 5-10 which depend from claim 1) is not anticipated by Iyengar and Applicants respectfully request withdrawal of the rejection of claims 1-2, 5 and 10 under 35 U.S.C. §102(e).

Similarly, Applicants' amended independent claim 11 recites, in part, the steps of "means for providing reconciliation information that is configured to facilitate reconciling said fee to the related purchase on a billing statement for said account." Again, Iyengar does not disclose each and every element of claim 11. Accordingly, amended claim 11 (and claims 12-14 and 16 which depend from claim 11) is not anticipated by Iyengar and Applicants respectfully request withdrawal of the rejection of claim 11-13 and 16 under 35 U.S.C. §102(e).

Similarly, Applicants' amended independent claim 23 recites, in part, the steps of "receiving an account billing statement including a separate fee charged for the transaction . . . , wherein said fee is reconciled with associated transaction costs in said account billing statement." Again, Iyengar does not disclose each and every element of claim 23. Accordingly, amended claim 23 (and claims 24-25 which depend from claim 23) is not anticipated by Iyengar and Applicants respectfully request withdrawal of the rejection of claim 23 and 24 under 35 U.S.C. §102(e).

Furthermore, Iyengar also discloses booking of flights via a Computer Reservation System ("CRS"). This generally involves a Passenger Name Record ("PNR"). PNR is an industry standard for a travel reservation record. A PNR is fairly standard from one CRS to another, and generally contains the information that would be found on a travel itinerary plus company travel information such as who in the company is allowed to fly first class. Booking a flight generally involves creation of a PNR. However, Iyengar does not disclose use of a PNR to determine a fee to charge for the travel agency service.

In contrast, Applicants' amended independent claim 3 recites, in part, the steps of "A computer implemented method for facilitating the allocation of fees comprising the steps of: receiving data from an automated billing system; establishing a user profile; determining at least one fee using said data and based upon said user profile; and charging said fee to an account, wherein said data is Passenger Name Record data." (Emphasis added.) Therefore, Applicants submit that each and every element of independent claim 3 is not disclosed, taught or suggested by Iyengar. Accordingly, claim 3 (and claim 4 which depend from claim 3) is not anticipated by Iyengar and Applicants respectfully request withdrawal of the rejection of claims 3 and 4 under 35 U.S.C. §102(e).

Similarly, Applicants amended independent claim 17 recites, in part, the steps of "comparing said Passenger Name Record data to information in said user profile to determine a fee to be charged for said assistance by said travel agency." (Emphasis added.) Again, Iyengar does not disclose each and every element of claim 17. Accordingly, amended claim 17 (and claims 18-22 which depend from claim 17) is not anticipated by Iyengar and Applicants respectfully request withdrawal of the rejection of claim 17-22 under 35 U.S.C. §102(e).

Rejections Under 35 U.S.C. §103

Claims 7-9, 14, 15, 18, 19, and 26 stand rejected under 35 U.S.C. §103 as being unpatentable over Iyengar in view of Loeb et al, U.S. Patent No. 6,360,209 ("Loeb"). Although the Examiner acknowledges that Iyengar does not disclose an enhanced descriptive billing statement and fee reconciling information, the Examiner contends that Loeb teaches "providing enhanced descriptive billing wherein individual charged entries are described to provide for reconciliation to a larger transaction." Applicants respectfully traverse the rejection.

Claims 7, 15, and 26 are cancelled, and therefore rejections to claims 7, 15, and 26 are moot. Nevertheless, this rejection is addressed here with reference to independent claims 1, 11, and 23.

Loeb is limited to a method of generating a credit card billing statement that facilitates separately itemizing multiple purchased items that were purchased in a single transaction. See Abstract. For example, if several magazines were purchased from a remote retailer in a single transaction (Col. 1, line 20 -Col. 2, line 47), the method of Loeb facilitates “separately bill[ing] on a credit card for each individual good or service . . .” in order to “minimize cancellation of the overall order by the customer.” Col. 4, ll. 47-54. In fact, Loeb discloses a “payment schedule” to “stagger the billing for each item included within a given order”, i.e., to spread the charges out over the bill. Col. 6, ll. 44-48. Furthermore, Loeb discloses providing “a different customer service number for each individual item purchased so that the customer cannot cancel the entire order with a single telephone call.” Col. 4, ll. 60-63. Thus, Loeb does not disclose a billing statement configured to facilitate reconciling a purchase charge with its corresponding fee charge. Rather Loeb discloses disassociating multiple purchase charges with the express purpose of reducing the likelihood that someone who purchases multiple magazines in a single transaction will cancel that order when the credit card bill shows up.

In contrast to Loeb, claim 1 recites, “providing an enhanced descriptive billing statement with fee reconciling information.” (emphasis added). Therefore, Iyengar, alone or in combination with Loeb, does not teach each and every element of claim 1. Furthermore, there is no suggestion or motivation to combine Iyengar with Loeb. Not only does Loeb not teach providing an enhanced descriptive billing statement with fee reconciling information, in fact, Loeb teaches away from these elements and Iyengar by teaching the disassociation of individual products purchased at the same time.

For the above reasons, Applicants submit that each and every element of amended independent claim 1 is not disclosed, taught or suggested by Iyengar in view of Loeb. Accordingly claim 1 (and claims 2, 5-6, and 8-10 which depend from claim 1) is allowable and Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. §103.

Furthermore, amended claim 11 recites, “means for providing reconciliation information that is configured to facilitate reconciling said fee to the related purchase on a billing statement

for said account", and amended claim 23 recites, "wherein said fee is reconciled with associated transaction costs in said account billing statement". Thus, claim 11 (and claims 12-14 and 16 which depend therefrom), and claim 23 (and claims 24-25 which depend therefrom) are independently not anticipated by Iyengar in view of Loeb, and Applicants respectfully request the withdrawal of the rejection of the rejections under 35 U.S.C. §103.

Conclusion

In view of the above remarks and amendments, Applicants respectfully submit that pending claims 1-6, 8-14, and 16-25 properly set forth that which Applicants regard as their invention and are allowable over the cited prior art. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at (602)382-6367 at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee.**

Dated: Sept 3, 2004

Respectfully submitted,

By John H. Platt
John H. Platt
Reg. No. 47,863

SNELL & WILMER L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, Arizona 85004-2202
Telephone: (602) 382-6367
Facsimile: (602) 382-6070